IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 8926 of 1995

Between:

1 Munagala Konda Reddy S/o. Malaknoda Reddy, Agriculturist,
r/o Narayanareddy Peta, h/o Gudipallipadu,
Nellore Rural(Mandal) Nellore District
2 Munagala Krishna Reddy S/o. Malaknoda Reddy, Agriculturist,
R/o Narayanareddi peta, H/o. Gudipallipadu
Nellore Rural Mandal Nellore District).

..... PETITIONERS

AND

1 The District Collector
Nellore District, Nellore.
2 The Mandal Revenue Officer
Indukurpet mandal,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the notices of the 2nd Respondent in his proceedings Rc.No.1.353/95 dt. 07.03.1995 addressed to both the petitioners as illegal and without jurisdiction and consequently direct the respondents not to dispossess the petitioners from Ac.5.02 cents in Sy.No.557 and Ac.4. 90 cents in Sy.No.558 of dry land situated in Gudipallipadu village, Indukurpet Mandal, Nellore District.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent No.1 &2: The Government Pleader for Revenue (Not present).

The Court made the following:

ORAL ORDER:

Heard the learned counsel for the petitioners.

Nobody appears for the respondents. No counter has been filed. Therefore, the assertions made in the affidavit filed in support of the writ petition have to be taken as true. The petitioners moved applications before the Government and the Government had issued a Memo No. 672/L2/87-1 dated 28-01-1987, which is reproduced hereunder:

> *"Sub: Land - Assignment- Nellore District and Mandal – Gudipallipadu village – S.No. 558 Extent Acs. 4.90 cents – Further action – Stayed –Request – Reg..*

Ref:- From C. Konda Reddy & Others, Petition Dt. Nil.

> *A copy of the petition cited is sent herewith to the Collector, Nellore and he is requested to send a detailed report through Commissioner of Land Revenue with an advance copy to Government in the matter urgently.*
>
> *Meanwhile, the proceedings of the R.D.O.Nellore in Rc.No. 1236/86 dt. 31-10-1986 is hereby stayed pending disposal of the Revision Petition.*

M. Lakshimarayana Murthy,

Asst. Secretary to Government.

To

The Collector, Nellore.

The R.D.O. Nellore.

The Mandal Revenue Officer, Nellore.

Copy to Sri C. Konda Reddy, Narayanareddipeta village, Nellore Mandal, Nellore district (para-2 only).

Copy to P.S. to M (Rev.)"

The grievance of the petitioners is that inspite of the order passed by the Government staying the eviction and inspite of the fact that the Government was seized of the matter, the Mandal Revenue Officer, Nellore passed the impugned order asking the petitioners to show cause why they should not be summarily evicted from the lands. According to the petitioners, the Government has not decided the matter and they have not been communicated with any order so far.

In these circumstances, I quash the order of the Mandal Revenue Officer, Nellore dated 07-03-1995 and direct the Government to decide the matter, pending before it, expeditiously after notice to the petitioners.

The writ petition is, accordingly, allowed. No costs.

BILAL NAZKI, J

Dt.23-09-2004

Pvks/*

The Rule nisi has been made absolute, as above.

Witness the Hon’ble Sri Devinder Gupta, the Chief Justice on this the Thursday the twenty third day of September, Two thousand and Four.

To

1 The District Collector
Nellore District, Nellore.
2 The Mandal Revenue Officer
Indukurpet mandal,
Nellore District.

3.2CCs to the Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

4.2CD copies

*Form-NIC-OGS/WP{**LOBIS**}*